

Judge Copy

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IN THE UNITED STATES DISTRICT COURT  
 FOR THE Western DISTRICT OF TENNESSEE  
Western DIVISION

OCT - 6 2010

CLERK, U.S. DIST. COURT  
WESTERN DIST. OF TENNDavid Chester Faulkner NamePrison Id. No. 447456\_\_\_\_\_  
Name

Prison Id. No. \_\_\_\_\_

Plaintiff(s)

(List the names of all the plaintiffs  
 filing this lawsuit. Do not use "et  
 al." Attach additional sheets if  
 necessary.)

Civil Action No. \_\_\_\_\_  
 (To be assigned by the Clerk's  
 office. Do not write in this space.)

Jury Trial ☒ Yes ☐ No

v.

Henry Steward (Warden) NameTommy Mills (Asst. Warden) NameDefendant(s) see attached

(List the names of all defendants  
 against whom you are filing this  
 lawsuit. Do not use "et al." Attach  
 additional sheets if necessary.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
FILED PURSUANT TO 42 U.S.C. § 1983

I. PREVIOUS LAWSUITS (The following information must be provided by each plaintiff.)

A. Have you or any of the other plaintiffs in this lawsuit filed any other lawsuits in the United States District Court for the Middle District of Tennessee, or in any other federal or state court?

☐ Yes☒ No

B. If you checked the box marked "Yes" above, provide the following information:

1. Parties to the previous lawsuit:

Plaintiffs

Defendants

N/A  
/A

Defendants Continues:

Thomas Shell (Investigator)

Bobby Mullins (Lieutenant)

Corporal McClain

Corporal Sonderman

C/O Webb

C/O Mitchell

C/O Patton

Sgt. John Moffatt

2. In what court did you file the previous lawsuit? N/A  
 (If you filed the lawsuit in federal court, provide the name of the District. If you filed the lawsuit in state court, provide the name of the state and the county.)
3. What was the case number of the previous lawsuit? N/A
4. What was the Judge's name to whom the case was assigned? N/A
5. When did you file the previous lawsuit? N/A (Provide the year, if you do not know the exact date.)
6. What was the result of the previous lawsuit? For example, was the case dismissed, appealed, or still pending? N/A
7. When was the previous lawsuit decided by the court? N/A (Provide the year, if you do not know the exact date.)
8. Did the circumstances of the prior lawsuit involve the same facts or circumstances that you are alleging in this lawsuit.
- ☐ Yes ☒ No

(If you have filed more than one prior lawsuit, list the additional lawsuit(s) on a separate sheet of paper, and provide the same information for the additional lawsuit(s).)

II. THE PLAINTIFF'S CURRENT PLACE OF CONFINEMENT (The following information must be provided by each plaintiff.)

- A. What is the name and address of the prison or jail in which you are currently incarcerated? Morgan County Correctional Center, P.O. Box 2000 WARTBURG, TN 37887
- B. Are the facts of your lawsuit related to your present confinement?  
☒ Yes ☒ No
- C. If you checked the box marked "No" in question II.B above, provide the name and address of the prison or jail to which the facts of this lawsuit pertain.  
West Tennessee State Prison
- D. Do the facts of your lawsuit relate to your confinement in a Tennessee State Prison?  
☒ Yes ☐ No

If you checked the box marked "No," proceed to question II.H.

- E. If you checked the box marked "Yes" in question II.D above, have you presented these facts to the prison authorities through the state grievance procedure?
- ☒ Yes ☐ No
- F. If you checked the box marked "Yes" in question II.E above:
1. What steps did you take? Filed Grievance, Contacted FBE, TDC Commissioner
  2. What was the response of prison authorities? Attempted Cover Up
- G. If you checked the box marked "No" in question II.E above, explain why not. N/A
- H. Do the facts of your lawsuit pertain to your confinement in a detention facility operated by city or county law enforcement agencies (for example, city or county jail, workhouse, etc.)?
- ☐ Yes ☒ No
- I. If you checked the box marked "Yes" in question II.H above, have you presented these facts to the authorities who operate the detention facility?
- ☐ Yes ☒ No
- J. If you checked the box marked "Yes" in question II.I above:
1. What steps did you take? N/A
  2. What was the response of the authorities who run the detention facility? N/A
- L. If you checked the box marked "No" in question II.I above, explain why not. N/A

Attach copies of all grievance related materials including, at a minimum, a copy of the grievance you filed on each issue raised in this complaint, the prison's or jail's response to that grievance, and the result of any appeal you took from an initial denial of your grievance.

### III. PARTIES TO THIS LAWSUIT

#### A. Plaintiff(s) bringing this lawsuit:

1. Name of the first plaintiff: David Chester Faulkner  
Prison Id. No. of the first plaintiff: 447456

Address of the first plaintiff: PO Box 2000 Wartburg TN 37887

(Include the name of the institution and mailing address, including zip code.  
If you change your address you must notify the Court immediately.)

2. Name of second the plaintiff: \_\_\_\_\_

Prison Id. No. of the second plaintiff: N/A

Address of the second plaintiff: \_\_\_\_\_

(Include the name of the institution and mailing address, including zip code.  
If you change your address you must notify the Court immediately.)

If there are more than two plaintiffs, list their names, prison identification numbers, and addresses on a separate sheet of paper.

B. Defendant(s) against whom this lawsuit is being brought:

1. Name of the first defendant: Henry Steward

Place of employment of the first defendant: West Tennessee State Prison

The first defendant's address: 480 Green Chapel Rd.  
Henning, TN 38041

Named in official capacity? ☒ Yes ☐ No

Named in individual capacity? ☒ Yes ☐ No

2. Name of the second defendant: Tommy Mills

Place of employment of the second defendant: West Tennessee State Prison

The second defendant's address: 480 Green Chapel Rd.  
Henning, TN 38041

Named in official capacity? ☒ Yes ☐ No

Named in individual capacity? ☒ Yes ☐ No

If there are more than two defendants against whom you are bringing this lawsuit, you must list on a separate sheet of paper the name of each additional defendant, their place of employment, their address, and the capacity in which you are suing them. If you do not provide the names of such additional defendants, they will not be included in your lawsuit. If you do not provide their proper name, place of employment, and address, the Clerk will be unable to serve them should process issue.

# Defendants Against Whom Motion is Being Brought, continued:

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(3) Thomas Shell, employed at West Tennessee State Prison 480 Green Chapel Rd Henning, TN 38041  
In Personal and Professional Capacity.

(4) Lieutenant Bobby Mullins, employed at West Tennessee State Prison 480 Green Chapel Rd. Henning, TN 38041  
In Personal and Professional Capacity

(5) Corporal Mc CLain, employed at West Tennessee State Prison 480 Green Chapel Rd. Henning, TN 38041  
In Personal and Professional Capacity

(6) Corporal Sonderman, employed at West Tennessee State Prison 480 Green Chapel Rd. Henning, TN 38041  
In Personal and Professional Capacity

(7) Correctional Officer Webb, employed at West Tennessee State Prison, 480 Green Chapel Rd. Henning, TN 38041  
In Personal and Professional Capacity

(8) Correctional Officer Mitchell, employed at West Tennessee State Prison, 480 Green Chapel Rd. Henning, TN 38041  
In Personal and Professional Capacity

# Defendants Against Whom Lawsuit Is Being Brought, Continued:

- ⑨ Correctional officer Patton, employed at  
West Tennessee State Prison 480 Green Chapel Rd. Herring, TN 38641  
In Personal and Professional Capacity
- ⑩ Sergeant John Moffatt, employed at West Tennessee  
State Prison 480 Green Chapel Rd. Herring, TN 38641  
In Personal and Professional Capacity

## IV. STATEMENT OF FACTS

State the relevant facts of your case as briefly as possible. Include the dates when the incidents or events occurred, where they occurred, and how each defendant was involved. Be sure to include the names of other persons involved and the dates and places of their involvement.

If you set forth more than one claim, number each claim separately and set forth each claim in a separate paragraph. Attach additional sheets, if necessary. Use 8 1/2 in. x 11 in. paper. Write on one side only, and leave a 1 in. margin on all four sides.

ON 11-25-09 AT APPROXIMATELY 6:50 PM PLAINTIFF WAS SITTING IN HIS CELL AT WEST TENNESSEE STATE PRISON IN HENNING, TN, CELL #5-B-2. ALL OF A SUDDEN THE CELL DOOR FLEW OPEN AND PLAINTIFF WAS SHOT WITH A TASER GUN WITHOUT WARNING. IN VIOLATION OF TENNESSEE DEPT. OF CORRECTIONS POLICY, PLAINTIFF WAS NEVER GIVEN THE OPPORTUNITY TO SUBMIT TO RESTRAINTS BEFORE THE DOOR OPENED AND THE TASER WAS DEPLOYED. AFTER THE PLAINTIFF WAS RESTRAINED BY DEFENDANTS MULLINS, MCCLAIN, SORDEMAN, WEBB, MITCHELL AND PATTON, HE WAS THEN SEVERELY BEATEN IN VIOLATION OF HIS EIGHTH AMENDMENT RIGHT. PLAINTIFF SUSTAINED NUMEROUS FRACTURES OF THE FACE AND SHOULD AS A RESULT OF THE ASSAULT AFTER THE ASSAULT THE PLAINTIFF WAS LEFT IN THE FLOOR OF A CELL WITH THOSE NUMEROUS FRACTURES IN A HOG TIED POSITION FOR 4 HOURS. ONLY AFTER SEEING A PRISON DOCTOR ON 11-26-09 AT NOON WAS THE PLAINTIFF THEN SENT TO A FREE WORLD HOSPITAL TO UNDERGO TREATMENT. THIS ASSAULT TOOK PLACE ON THE DIRECT ORDER OF DEFENDANTS STEWARD AND MILLS. DEFENDANT MOFFATT VIOLATED PLAINTIFF'S CIVIL RIGHTS BY THREATENING BODILY HARM AND ASSAULT.

## V. RELIEF REQUESTED: Specify what relief you are requesting against each defendant.

- A. \$1,000,000.00 PUNITIVE DAMAGES, FROM DEFENDANT STEWARD
- B. \$100,000.00 ACTUAL DAMAGES, FROM DEFENDANT STEWARD
- C. \$50,000.00 COMPENSATORY, FROM DEFENDANT STEWARD
- D. TERMINATION OF EMPLOYMENT, OF DEFENDANT STEWARD
- E. CIVIL RIGHTS VIOLATION CHARGES OF DEFENDANT STEWARD

F. I request a jury trial. ☒ Yes ☐ No



# Relief Requested Continued:

- (2) \$ 1,000,000.00 Punative Damages, Defendant Mills  
 \$ 100,000.00 Actual Damages, Defendant Mills  
 \$ 50,000.00 compensatory Damages, Defendant Mills  
 Termination of Employment of Defendant Mills  
 CIVIL Rights Violation Charges of Defendant Mills
- (3) \$ 1,000,000.00 Punative Damages, Defendant Shell  
 \$ 100,000.00 Actual Damages, Defendant Shell  
 \$ 50,000.00 compensatory Damages, Defendant Shell  
 Termination of Employment of Defendant Shell  
 CIVIL Rights Violation Charges of Defendant Shell
- (4) \$ 1,000,000.00 Punative Damages, Defendant Mullins  
 \$ 100,000.00 Actual Damages, Defendant Mullins  
 \$ 50,000.00 compensatory Damages, Defendant Mullins  
 Termination of Employment of Defendant Mullins  
 CIVIL Rights Violation Charges of Defendant Mullins
- (5) \$ 1,000,000.00 Punative Damages, Defendant Mc CLain  
 \$ 100,000.00 Actual Damages, Defendant Mc CLain  
 \$ 50,000.00 compensatory Damages, Defendant Mc CLain  
 Termination of Employment of Defendant Mc CLain  
 CIVIL Rights Violation Charges of Defendant Mc CLain

Relief Requested Continued

- ⑥ \$1,000,000.00 Punitive Damages, Defendant SONDERMAN  
 \$100,000.00 Actual Damages, Defendant SONDERMAN  
 \$50,000.00 Compensatory Damages, Defendant SONDERMAN  
 Termination of Employment of Defendant SONDERMAN  
 Civil Rights Violation Charges of Defendant SONDERMAN
- ⑦ \$1,000,000.00 Punitive Damages, Defendant WEBB  
 \$100,000.00 Actual Damages, Defendant WEBB  
 \$50,000.00 Compensatory Damages, Defendant WEBB  
 Termination of Employment of Defendant WEBB  
 Civil Rights Violation Charges of Defendant WEBB
- ⑧ \$1,000,000.00 Punitive Damages, Defendant MITCHELL  
 \$100,000.00 Actual Damages, Defendant MITCHELL  
 \$50,000.00 Compensatory Damages, Defendant MITCHELL  
 Termination of Employment of Defendant MITCHELL  
 Civil Rights Violation Charges of Defendant MITCHELL
- ⑨ \$1,000,000.00 Punitive Damages, Defendant PATTON  
 \$100,000.00 Actual Damages, Defendant PATTON  
 \$50,000.00 Compensatory Damages, Defendant PATTON  
 Termination of Employment of Defendant PATTON  
 Civil Rights Violation Charges of Defendant PATTON
- ⑩ \$1,000,000.00 Punitive Damages, Defendant MOFFATT  
 \$100,000.00 Actual Damages, Defendant MOFFATT  
 \$50,000.00 Compensatory Damages, Defendant MOFFATT  
 Termination of Employment of Defendant MOFFATT  
 Civil Rights Charges of Defendant MOFFATT

VI. CERTIFICATION

I (we) certify under the penalty of perjury that the foregoing complaint is true to the best of my (our) information, knowledge and belief.

Signature: David J. [Signature] Date: 9-15-10

Prison Id. No. 447490

Address: PO Box 2000 WARTBURG, TN 37887

(Include the city, state and zip code.)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Prison Id. No. \_\_\_\_\_

Address: \_\_\_\_\_

(Include the city, state and zip code.)

**ALL PLAINTIFFS MUST SIGN AND DATE THE COMPLAINT,** and provide the information listed above. If there are more than two plaintiffs, attach a separate sheet of paper with their signatures, dates, prison identification numbers, and addresses.

**ALL PLAINTIFFS MUST COMPLETE, SIGN, AND DATE SEPARATE APPLICATIONS TO PROCEED IN FORMA PAUPERIS,** if not paying the civil filing fee.

**SUBMIT THE COMPLAINT, THE REQUIRED FILING FEE, OR APPLICATION TO PROCEED IN FORMA PAUPERIS, TOGETHER.** Complaints received without the required filing fee or application to proceed *in forma pauperis* will be returned. Filing fees, or applications to proceed *in forma pauperis*, received without a complaint will be returned.

**RITV®**

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

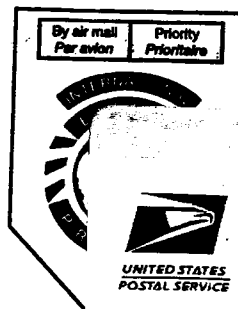
**CERTIFIED MAIL**

**SERVICE**

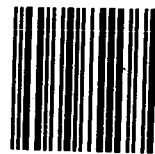


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THOMAS M. CLARK  
CLERK, U.S. DISTRICT COURT  
W.D. OF TN

From: /Expéditeur:

David Faulkner #447456  
MCCX P.O. Box 2000  
Wartburg, TN 37887

To: /Destinataire:

U.S.D.C. Federal District  
For Western TN  
167 N. Main Street Suite 242  
Memphis, TN 38103

Country of Destination: /Pays de destination:

